

MINUTES  
PAGE COUNTY BOARD OF SUPERVISORS  
WORK SESSION  
JANUARY 5, 2010

All Members Present:     Johnny Woodward, Chairman, At-Large  
                                     Robert Griffith, District 1  
                                     Larry A. Sours, District 2  
                                     John D. "J. D." Cave, District 3  
                                     Gerald Cabbage, District 4  
                                     Jeff Vaughan, District 5

Staff Present:                Dr. Thomas Cardman, County Administrator  
                                     George Shanks, County Attorney  
                                     Kevin Henry, Director of Planning  
                                     Henry Mikus, Director of Public Works  
                                     Michelle Somers, Zoning Administrator  
                                     John Thomas, Sheriff  
                                     C. R. Suddith, Treasurer  
                                     Charlie Campbell, Commissioner of the Revenue  
                                     Wes Shifflett, Coordinator of Fire/Rescue Services  
                                     Terry Dodson, Building & Grounds Supervisor  
                                     Carolyn Miller, Program Support Technician  
                                     Meredith Houff, Fiscal Technician  
                                     Regina Miller, Executive Secretary

Media & Others Present:   Ben Weathers, *Page News & Courier*  
                                     25 Citizens

**Call to Order:**

Chairman Johnny Woodward called to order the work session of the Page County Board of Supervisors on January 5, 2010 at 7:41 p.m. in the Board of Supervisors Room, located in the Page County Courthouse, noting a quorum was present.

**Discussion of Procedure for Project Clover Update:**

Chairman Woodward indicated that the Board needs to set a date, time, and place to discuss Project Clover as well as answer questions and clarify information. It has been suggested that the meeting take place in conjunction with the regular meeting on January 19<sup>th</sup>.

After discussion, the Board agreed to schedule the meeting for January 19, 2010 at 7:00 p.m. at Luray High School, if the school is available. If Luray High School is not available, then the meeting will be held at Page County High School. This will be a joint meeting with the Economic Development Authority and Premier Technical Services will be invited to attend.

**Motion:**

Supervisor Vaughan moved that the Project Clover update be the first item on the January 19, 2010 meeting. Supervisor Griffith seconded. The motion carried by a roll call vote of 6-0; aye: Griffith, Sours, Cave, Cabbage, Vaughan, Woodward.

**Report from the Public Works Department:**

Henry Mikus, Director of Public Works, reported that tonnage is down and the department is behind in revenue estimates as anticipated one year ago. However, he noted that the landfill is ahead on the budget more than what they are behind on revenue. He indicated that the Warren County contract has been producing revenue and tonnage, but Page County's commercial trash has been down and this is where most of the shortfall is occurring. During November, he mentioned that 266,000 gallons of leachate were transported from Battle Creek. So far, 118,000 gallons have been hauled during December. Regarding the IGA Building in Luray, he mentioned that a commercial appraisal firm has been retained to assess the building to establish its worth. Mr. Mikus then informed the Board of an issue with the Stanley Landfill. He said it is an older landfill that was built decades ago to the standards at that time and was closed in 1999. He noted that there has been a history of groundwater and gas pollution with that facility and some issues are ongoing. In both regards, the County is under a corrective action plan with the Department of Environmental Quality (DEQ). Several years ago, he said he started a corrective action program because of the test results from both the gas that is migrating off the property and the groundwater. DEQ has asked the County to install more groundwater monitoring wells, which they wanted installed this fiscal year; however, because of budget constraints there was no capital money for the project. As a result, he said he requested DEQ to grant the County an extension, at least until next fiscal year when funding for this may be available. Mr. Mikus said that the cost would be approximately \$30,000 to \$40,000 for the project. The DEQ Valley Regional Office granted an extension until March 2010; however the DEQ Central Office has reneged on the Regional Office's extension and said it needs to be completed now. Since the regulations are a matter of the Code of Virginia, he must comply, so he is taking steps to have the wells installed. He informed the Board that he is currently obtaining cost estimates and will need to come back to the Board to request funding for the project. He then noted that there is a similar issue with the methane gas.

Supervisor Cave asked Mr. Mikus if he is able to solve the groundwater issue at Stanley within the existing budget because the Board is not able to appropriate more money in his current budget. Mr. Mikus replied that he does not have a choice; he has to comply with DEQ regulations.

**County Office Building:**

Chairman Woodward asked why this project has come to a standstill and he stated that the price for the IGA Building in Luray is too high.

Dr. Cardman reported that the last Board had appointed a County Office Building Committee, consisting of Supervisors Sours and Cabbage, as well as, C. R. Suddith, Charlie Campbell, Henry Mikus, and himself, to look at the IGA Building and other

potential buildings for a County Office facility. Mr. Mikus said he conducted a study, which indicated that the building was structurally sound enough to proceed with looking at it further. The current stage in the review process is that the committee asked for an appraisal of the building to be obtained so there would be some indication of the commercial appraisal cost of the building. Once this is complete, the committee will come back to the Board to get permission to proceed with negotiations for a price and conduct a review on how the proposed offices could fit into the space. He said the pause in the process had been waiting for the new Board to agree to continue to pursue this option. If this is the Board's pleasure, he suggested they authorize him to proceed to talk to the current owner about the price after the appraisal and simultaneously talk with the prospective occupants of the building to get their input on how the building will be configured.

Mr. Mikus indicated that the building has 10,278 square feet. However, he came up with about 12,000 square feet of needs for the prospective occupants. He stated that there is the possibility of a second floor in the building, but the current framing was not built to a commercial standard. An additional 3,000 to 4,000 of space could be gained on the second floor and this would give adequate space.

Supervisor Cave said that a committee is in place and they are performing the due diligence and the process may have been slowed down for various reasons but he suggested that the committee be allowed to continue their work. The process seems to be working, but, perhaps it could speed up a bit.

Chairman Woodward stated that the space for County Offices needs to be corrected because of the current condition of the County Office Building.

Supervisor Sours commented that no one has been dragging their feet on this issue. The hold up has been waiting for the appraiser and he works at his own speed.

Supervisor Cubbage remarked that the committee is trying to make sure they are doing all the due diligence in the pre-purchase of the building.

Supervisor Vaughan expressed concern with ensuring the Board puts a lot of due diligence in the selection of a building. He felt the citizens do not need a bandaid to take care of the issue. He hopes that the Board can consider the ergonomics of the building and in communicating with the citizens when it comes to doing business in the County and that it is a respectable site as far as parking, ingress/egress, and that the citizens can be proud of. He also expressed concern with the topography of the real estate of the IGA facility. He said we know where we are today; but with growth, where will we be in 5, 10 or 15 years from now. This is a major step for the county and it is as important as the new schools.

**Replacement of Jail Heating System:**

Sheriff Thomas explained that the heating system in the jail is provided by hot water heat and it not only heats the jail, but is the system that supplies all hot water in the jail.

The system has been there since the jail was built over 40 years ago. He stated that it has become increasingly difficult and expensive to find elements to replace in the hot water heater. J. Rex Burner is the company that has been repairing the heater and has indicated that, due to the age of the heater, they may not be able to get the elements much longer. In fact, he said, when they find elements they stockpile them at the jail. The elements in the heater need to be replaced once or twice a year. Since it is an expensive system to operate, he presented quotes for two alternates for providing heat and hot water for the jail. Proposal one was for two Cyclone LP gas heaters, which has a much higher recovery capacity of 116 gallons per hour at 100 degrees for approximately \$18,500. This amount includes everything, except the tank. The second option is for two Bradford White electrical water heaters and their recovery capacity is 74 gallons per hour at 100 degrees for approximately \$15,400. Even though the electrical heater is less expensive upfront, the LP gas is less expensive to operate. Sheriff Thomas indicated the reason for discussing this with the Board is because it is a capital improvement item. He clarified that he was not requesting the funds for this at this time, but is simply requesting to be allowed to include it in his budget as a capital consideration. He informed the Board that when the current system fails, every inmate will have to be moved to another facility at a cost of \$60 per inmate per day to house them.

Supervisor Vaughan recommended Sheriff Thomas proceed with three LP gas heating system proposals.

**Request to Fill Positions:**

Sheriff Thomas stated that the Board of Supervisors previously imposed a 30-day hiring freeze for any position supported by any amount of County funds and that the request come before the Board. He expressed that this makes it impossible for him to operate his department. He said he knows the parameters of his budget and is also aware that the Compensation Board made reductions to his state budget in the amount of \$192,000. He indicated that he is currently \$292,000 ahead in his budget by holding positions open and rebidding contracts. He has subtracted County funding from most of the positions he has refilled and feels that he has been fiscally conservative in his endeavors. Sheriff Thomas notified the Board that he has an Emergency Communications Center (ECC) Director position that needs to be filled. In order to do this, he said it becomes burdensome if he has to come before the Board to ask permission. He said he has stayed well within his budget and asked the Board to allow him to manage the money provided he does not go outside the budget allocated to him. He indicated that the ECC Director position existed at one time and was held by Gene Stewart. However, he vacated the position and the County chose to take the position and the funding and place it under the County. The County now has the position filled by Gene Stewart as the Emergency Management Coordinator. The ECC Director would be responsible for control and operations of the ECC and Computer Assisted Dispatch (CAD) system. The position would also be responsible for recruiting and hiring dispatchers.



Supervisor Cave indicated that he would be in favor of allowing the Sheriff to do what he needs to do as long as he stays within his current budget.

Chairman Woodward asked Sheriff Thomas if cuts to his budget were to occur, how would it affect this position. Sheriff Thomas remarked that in anticipating Governor Kaine's fiscal responsibilities and policies he started holding positions open when he assumed the position of Sheriff. He has 3½ positions that are funded by the Comp Board, which are currently open and will continue to be open in anticipation of what may happen with the County's budget.

Dr. Cardman clarified that the Board previously imposed a freeze on hiring where the County provides a contribution to the position. He indicated that the Compensation Board had also imposed a 90-day freeze on all state funded positions. Treasurer C. R. Suddith highlighted that the Compensation Board has removed the freeze.

**Motion:**

Supervisor Vaughan moved to grant authority to the Sheriff to operate within his current budget. Supervisor Cave seconded. The motion carried by a roll call vote of 5-1; aye: Griffith, Cave, Cabbage, Vaughan, Woodward; nay: Sours.

**Grant for Purchasing Sheriff's Vehicles:**

**EXHIBIT A**

Sheriff Thomas reported that with the federal government's stimulus package there came a program for purchasing vehicles, primarily for police departments but sheriff's offices were exempt. Since then the federal government has reviewed the grant and now the Sheriff's Department can apply. He noted that his department buys Ford Explorers because he has no need for high pursuit vehicles. He has the opportunity to apply for a grant for two Ford Explorers with a 55 (federal)/45 (local) cash match. He indicated that he would be able to absorb the cash match of \$18,500 from within his budget for the County's share of these two vehicles, if the grant is approved. He asked the Board to certify, by Resolution, to allow him to apply for the grant. The prices are current state bid pricing.

**Motion:**

Supervisor Vaughan moved to approve the submission of a grant for law enforcement vehicles by the Sheriff. Supervisor Cabbage seconded. The motion carried by a roll call vote of 6-0; aye: Griffith, Sours, Cave, Cabbage, Vaughan, Woodward.

Mr. Shanks pointed out that this also allows the Sheriff to transfer a line item for ammunition from his budget to capital items, if necessary.

**Power Needs in ECC:**

Sheriff Thomas requested that this be postponed until a later date. He did mention that during the last power outage it was discovered that ECC did not have full generator power. There is currently a 200 amp service in the building, which is basically designed for a home; however, they are operating with so many electronics that it needs to go to a 400 amp service in order to meet the building code. The wiring in the building does

not meet code and most of it was rewired by jail inmates. He said he will bring back an entire package proposal along with costs to the Board for consideration.

Dr. Cardman indicated that in addition to the ECC power needs, there are also very critical needs for power backup for the Administration Building.

**Update on Vacant Poultry Houses:**

Kevin Henry, Planning Director, informed the Board about 50% of the poultry houses in Page County are vacant. Last year, the Board of Zoning Appeals (BZA) heard a request for a variance where someone was operating a business from a vacant poultry house, which is a violation of the Zoning Ordinance for a commercial use in an agricultural zone. In the case, the BZA suggested that the County amend the zoning ordinance to address this issue, due to the number of vacant poultry houses, which are not being used or are used for commercial purposes. He pointed out that this matter is under a 100 day time limit, whereby the Planning Commission must report its findings to the Board of Supervisors after being tasked by the Board, according to the Code of Virginia. The Planning Commission is currently waiting for information from the Building Official before taking the proposed ordinance amendment to public hearing. The Commission is suggesting to allow by special use permit, storage warehousing and exempting agricultural products. The Commission is also suggesting a reduced fee for the special use permit of \$200. The reason they are suggesting the special use permit is to allow it to go through the public hearing process so the neighbor's would be aware of the situation and it allows the opportunity for them to voice their comments. If the storage warehousing were allowed by-right, this could open the door for industrial uses. The Commission would like to hold their public hearing in February and then the Board would hold their hearing in March.

After discussion, it was the consensus for the Commission to proceed with the public hearing.

**Sign Ordinance:**

Mr. Henry gave a PowerPoint presentation to the Board with pictures and diagrams of various types of signs with regard to the proposed amendments to the sign ordinance. He noted that a large part of the amendments deal with definitions. The proposed ordinance also addresses aesthetics for creating better looking signs and diagrams. He noted that the current ordinance is difficult to interpret and is confusing for citizens and staff. Currently, flashing or animated signs, roof signs, banner signs, and off-premise signs are prohibited in all zoning districts. The proposed ordinance will also prohibit simulated traffic signals, portable signs, and signs painted directly onto the exterior of buildings. If the ordinance is adopted it does not mean that the off-premise signs, which currently exist, will have to be taken down. They will be considered non-conforming or grandfathered so the County will not make them take down their signs. He mentioned that much was also done in the ordinance to address temporary signs. The Planning Commission, he said, is ready to hold the public hearing on the ordinance amendment.

Supervisor Vaughan commented that we should be careful with the restrictions that are placed on businesses. He said we need to minimize government control instead of maximizing it.

Supervisor Cabbage expressed concern with sign restrictions on churches and charitable organizations. He felt that we need to encourage these signs. Mr. Henry noted that the regulations on these signs are in the current ordinance and no changes were made with regard to these signs. Discussion then turned to off-premise signs and Mr. Henry noted the amendment would include allowing them by special use permit for a fee of \$900.

Chairman Woodward noted that the ordinance is ridiculous and a waste of time and he does not support the amendments. Mr. Henry indicated the reason he is informing the Board is because if there are specific items such as churches, charitable organizations, and flags then they can be removed from the amendments.

Supervisor Cave asked why the fee for special use permits is \$900. Mr. Henry mentioned that the land use fee schedule can be adjusted by the Board. The fee, he said, was set to cover the cost of advertising for the public hearings. They were also setup to cover administrative costs that are involved in the process. He clarified that a special use permit would only need to be obtained for an off-premise sign. Supervisor Vaughan indicated that this needs to be modified.

After discussion, the Board felt that the proposed amendment should proceed through the public hearing process with the Planning Commission and then the Board.

**Declaration of a Local Emergency:**

Dr. Cardman explained that Governor Kaine recently proclaimed a state of emergency for the entire state of Virginia during the winter weather storm in December. In order for Page County to participate in any reimbursement of monies for services provided because of the storm, the Board will need to declare a local emergency. Immediately upon certifying it, the Board will then need to declare that the local emergency is over. This will allow the County to apply to the state for reimbursements for extra funds that were expended by any departments during the emergency period.

**Motion:**

Supervisor Cave moved to approve the declaration of a local emergency and to authorize the Chairman to execute the Declaration of a Local Emergency form. Supervisor Sours seconded. The motion carried by a roll call vote of 6-0; aye: Griffith, Sours, Cave, Cabbage, Vaughan, Woodward.

\* \* \* \* \*

**DECLARATION OF A LOCAL EMERGENCY**

WHEREAS, the Board of Supervisors of Page County does hereby find that:

1. Due to the severe winter storm, Page County is facing dangerous conditions;
2. Due to the ice, snow and winds, a condition of extreme peril of life and property necessitates the proclamation of the existence of an emergency;

NOW, THEREFORE, IT IS HEREBY PROCLAIMED that an emergency now exists throughout said County; and

IT IS FURTHER PROCLAIMED AND ORDERED that during the existence of said emergency the powers, functions, and duties of the Director of Emergency Management and the Office of Emergency Management of Page County shall be those prescribed by state law and the ordinances, resolutions, and approved plans of Page County in order to mitigate the effects of said emergency.

\* \* \* \* \*

**Discussion of School Board Resolution:**

Chairman Woodward read the following statement for disclosure of personal interest:

\* \* \* \* \*

**DISCLOSURE OF PERSONAL INTEREST**

Pursuant to § 2.2-37112(A)(2) and § 2.2-3115(G), Code of Virginia (1950), as amended, I, John R. Woodward, Chairman-at-Large of the Page County Board of Supervisors, make the following disclosure:

1. As a member of the Page County Board of Supervisors, I am expected to participate in the discussion of and to vote upon the adoption of the County's budget, which includes Page County Public School employee compensation, including fringe benefits.
2. I am an employee of the Page County Public Schools, which group has more than three members.
3. I am directly affected by the portion of the County budget funding employee compensation and fringe benefits for the Page County Public Schools.
4. I nevertheless am able to participate in discussion and adoption of the County budget, including employee compensation and fringe benefits for the Page County Public Schools, fairly, objectively, and in the public interest.

I therefore intend to participate in discussions and to vote upon adoption of the budget of the County of Page, Virginia, including the issue of employee compensation and fringe benefits for the Page County Public Schools.

A copy of this disclosure has been filed with the Clerk of Board of Supervisors.

Given under my hand this 5<sup>th</sup> day of January, 2010.

\* \* \* \* \*

Dr. Cardman presented two Resolutions as adopted and forwarded by the Page County School Board. The first Resolution, he said, is their concurrence to the Board's request to allocate \$333,145 of their bond principal to the January 2010 interest payment on the 2008 bonds. This will save the County \$333,145 in the current year's budget. The second Resolution from the School Board is a request for funds of \$1.3 million to proceed with energy efficiency in the school division. If this Resolution were approved, the funding would have to be drawn down from the remaining funds in the 2008 bonds and would be a one time expenditure. He said he cannot support this Resolution, at this time, because the efficiencies of the project have not been studied nor has the project been presented to the Board. Also, this has not been calculated inside of the additional savings that can be made with the bond proceeds in relation to their capital improvement plan.

**Discussion of Employee Furlough Days:**

Dr. Cardman requested permission from the Board to bring back a proposal to suspend the requirement for furlough days, effective January 1, 2010, and to present a plan to the Board on how to address it. He said that because not all employees have taken six furlough days six months into the fiscal year, it will have to be determined how to fairly address that situation. He reported that with the revenue projections he would be recommending the Board look at this situation. He will bring back a proposal at the January 19<sup>th</sup> meeting. Dr. Cardman noted that the furlough days were intended to be implemented for one year and at the start of the new budget they would be restored to the base of the employee's salary.

**Closed Session:** 10:17 p.m.

**Motion:**

Supervisor Griffith moved that the Page County Board of Supervisors convene in closed session under the Virginia Freedom of Information Act in order to discuss personnel, specific officers, appointees, or employees of the Page County Board of Supervisors for the purpose of considering such person's assignment, appointment, promotion, performance, demotion, salary, disciplining, or resignation, to Section 2.2-3711(A)(1) of the Code of Virginia. Supervisor Cabbage seconded. The motion carried by a roll call vote of 6-0; aye: Griffith, Sours, Cave, Cabbage, Vaughan, and Woodward.

**Exit Closed Session:** 10:55 p.m.

**Motion:**

Supervisor Griffith moved the closed meeting be adjourned and the Page County Board of Supervisors reconvene in open session. Supervisor Sours seconded. The motion carried by a roll call vote of 6-0; aye: Griffith, Sours, Cave, Cubbage, Vaughan, and Woodward.

**Certification of Closed Meeting:**

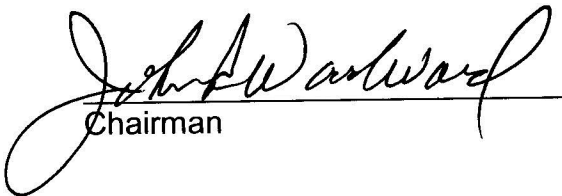
To the best of my knowledge (i) only public business matters lawfully exempted from open meeting requirements under Section 2.2-3711(A) of the Code of Virginia, 1950, as amended, and (ii) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting.

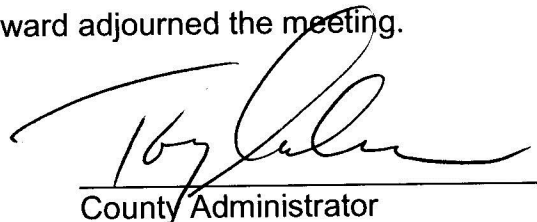
<u>Roll Call Vote:</u>	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>	<u>Abstain</u>
Robert Griffith	X			
Larry Sours	X			
J. D. Cave	X			
Gerald Cubbage	X			
Jeff Vaughan	X			
Johnny Woodward	X			

There was no action as a result of Closed Session.

**Adjourn:** 11:00 p.m.

With no further business, Chairman Woodward adjourned the meeting.

  
Chairman

  
County Administrator



#10-01

RESOLUTION OF GOVERNING BODY OF

COUNTY OF PAGE

**EXHIBIT A**

Board of Supervisors  
Minutes – January 5, 2010

The governing body of the County of Page consisting of  
members, in a duly called meeting held on the 5<sup>th</sup> day of  
January, 2010 at which a quorum was present RESOLVED as follows:

BE IT HEREBY RESOLVED that, in order to facilitate obtaining financial assistance from the United States of America, United States Department of Agriculture, Rural Development, (the Government) in the development of a law enforcement vehicles to serve the community, the governing body does hereby adopt and abide by the covenants contained in the agreements, documents, and forms required by the Government to be executed.

BE IT FURTHER RESOLVED that the Thomas M. Cardman of the  
County of Page be authorized to execute on behalf of  
Page County Board of Supervisors the above-referenced agreements and to execute such other documents including, but not limited to, debt instruments and security instruments as may be required in obtaining the said financial assistance.

This Resolution, along with a copy of the above-referenced documents, is hereby entered into the permanent minutes of the meetings of this Board.

Page County

(ENTITY NAME)

By: Thomas M. Cardman

Attest: Roger Miller

**CERTIFICATION**

I hereby certify that the above resolution was duly adopted by the  
Board of Supervisors of the County of Page in a duly assembled  
meeting on the 5 day of January, 2010.

Thomas M. Cardman  
Secretary/Clerk